

EXHIBIT 6

SANDRA KIRKMAN, ET AL. vs STATE OF CALIFORNIA, ET AL.
Expert David Blake on 02/05/2025

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

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5 SANDRA KIRKMAN, CARLOS ALANIZ,
6 individually and successors
7 in-interest to JOHN ALANIZ,
8 Deceased,

9 Plaintiffs,

10 v. Case No. 2:23-cv-07532-DMG-SSC

11 STATE OF CALIFORNIA, RAMON
12 SILVA, and DOES 1-10, inclusive,

13 Defendants.
14 _____/

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17 STENOGRAPHIC REPORTER'S TRANSCRIPT OF

18 DEPOSITION OF DEFENSE EXPERT

19 DAVID BLAKE

20 WEDNESDAY, FEBRUARY 5 2025

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25 Reported Stenographically by:

KIMBERLY D'URSO, CSR 11372, RPR

Job No. 00135673

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1 what -- how they perceived the events as they actually
2 happened in realtime versus just looking at the video?

3 A. I think both are helpful and important.

4 Q. Was it important in your consideration of
5 whether Officer Silva faced a deadly threat, to consider
6 Van Dragt's testimony, that he thought the object in the
7 decedent's hand looked like a Subway sandwich?

8 MR. ROISTACHER: Let me object. I think the
9 first part misstates his opinion. I think you said -- I
10 think you left out "perception of a deadly threat." But
11 I could be wrong.

12 BY MR. MAYNE:

13 Q. I'll shortcut it and say: Did it affect your
14 opinion in this case that Van Dragt said that the object
15 he perceived in the decedent's hands looked like a
16 Subway sandwich?

17 A. Yes. And if you'll bear with me a little bit
18 on my answer. I think Officer Van Dragt said a lot of
19 things beyond that. He said he -- he initially thought
20 it was gun, and then he changed his mind after having
21 additional time to view it.

22 But throughout his various descriptions of what
23 occurred, I come away with the perception that he was
24 unsure of what it was, and he still believed it posed a
25 threat to him. So he initially thought it was a gun;

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1 over there." And I think he was even asked what that
2 was, and I believe he identified that gray -- whatever
3 kind of pouch it is -- sunglasses pouch. I believe that
4 was the answer.

5 MR. MAYNE: Okay. Let's take a five-minute
6 break. I'll look over my notes and hopefully just have a
7 couple minutes and we'll be on our way.

8 (Break taken.)

9 BY MR. MAYNE:

10 Q. Your opinion in this case, is that based on
11 your view of the facts; is that right?

12 (Reporter clarification.)

13 THE WITNESS: Correct.

14 BY MR. MAYNE:

15 Q. And in most cases you've worked on, including
16 this one, the facts are disputed; right?

17 A. Sometimes they are. Sometimes they're not.
18 But there's something always disputed.

19 Q. And is it your understanding that at trial,
20 when there are disputed facts, a jury decides the facts?

21 A. Of course.

22 Q. And is it your understanding that at trial,
23 it's a jury who ultimately decides whether Officer
24 Silva's mistaken belief about what the decedent had in
25 his hands was reasonable or not?

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1 A. Yes.

2 Q. Do you think you're any more equipped than the
3 average juror to watch the video, that's the videos of
4 the incident, and determine what those videos establish?

5 A. Yes.

6 Q. And why is that?

7 A. Because I have an extensive background and
8 training in not only the mechanical aspects of video,
9 digital media evidence, but I also have training in
10 human factors psychology, so I know the capabilities and
11 limitations of watching video or forming an opinion
12 about what someone else's perception is, what you're
13 actually watching.

14 Like, for example, just real quick, if I'm
15 looking at you -- and I'm sure we all have a quadplex on
16 our computers of four different people. If I look at
17 you, I can look at your face. I know that there are
18 things in the background. But they are blurry to me and
19 not clear. If I focus on the things in the background,
20 I can see have you a plaque back there, it's got writing
21 on it. There's a calendar back there with "2024."

22 But I also, at the same time, know there's
23 people in the upper right-hand corner and lower
24 right-hand corner, but I can't tell you much about them.
25 They're blurry. They're literally inches away from my

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1 STATE OF CALIFORNIA)
) ss:
2 COUNTY OF ALAMEDA)

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4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing
6 deposition was present remotely and duly sworn to testify
7 to the truth in the within-entitled action on the day and
8 date and at the time and place therein specified;

9 That the testimony of said witness was reported
10 by me in shorthand and was thereafter transcribed through
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and
13 correct transcript of said deposition and of the
14 proceedings which took place;

15 Further, that if the foregoing pertains to the
16 original transcript of a deposition in a federal case,
17 before completion of the proceedings, review of the
18 transcript [] was [] was not requested.

19 That I am a certified stenographic reporter and
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed
22 my hand this 18th day of February, 2025.

23 _____ 

24 KIMBERLY D'URSO, CSR NO. 11372, RPR

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